

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

T.T., a minor, by and through his guardian
ad litem SUSAN T.,

Plaintiff,

v.

COUNTY OF MARIN,

Defendant.

No. C 12-02349 WHA

**ORDER REGARDING
SELECTION OF SPECIAL
MASTER TO DETERMINE
ATTORNEY'S FEES**


The declarations filed by the parties (Dkt. Nos. 84–85) show they have been unable to reach agreement on a special master on their own. Appended to this order are the resumes of four potential masters. The parties are encouraged to select a mutually agreeable special master from the options provided by **MARCH 14 AT NOON**. If the parties are unable to reach agreement due to objections to these candidates, the Court will select the special master. The objecting party should file a declaration stating the basis for the objection. These are **NOT** peremptory challenges — there must be good cause for any objection.

As for the objection by plaintiffs to the cost of the special master, this objection is overruled for two reasons. *First*, Rules 53 and 54 specifically provide that the special master may determine the value of services for purposes of attorney's fee awards and that the special master will be compensated. *Second*, all of the candidates have agreed to a greatly reduced hourly rate of \$250/hour as a service to the Court. The parties are reminded that the Court will allocate the fees of the special master in a fair and reasonable manner, taking into account the

1 reasonableness of the parties' respective positions and the special master's recommendation in
2 this regard. If the movant must pay, then the special master's compensation shall be deducted
3 from the attorney's fee award until satisfied and thereafter shall be taxed to movant. If the
4 opposing party must pay the special master, then it shall pay the special master and pay the
5 award. The Court will, however, reserve final judgment on allocation of the expense of the
6 special master until a final determination of the fee issue.

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8 **IT IS SO ORDERED.**

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10 Dated: March 11, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE